

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

OSSIE LEE SLAUGHTER,

Plaintiff,

v.

PAT GLEBE et al.,

Defendants.

CASE NO. 3:15-CV-05484-BHS-JRC

ORDER ON SEVERAL MOTIONS

Plaintiff Ossie Lee Slaughter, proceeding *pro se* and *in forma pauperis*, filed this civil rights complaint under 42 U.S.C. § 1983. Currently before the Court are several motions filed by plaintiff: (1) second and third motions for a telephonic hearing (Dkts. 116, 126); (2) motion for pretrial conference, scheduling and planning (Dkt. 118); and (3) motion for leave to add defendants (Dkt. 122). Defendants responded. Dkt. 120, 123. Plaintiff did not file a reply.

The Court denies plaintiff's second and third motions for a telephonic hearing as the Court has not ordered oral argument on this matter and the parties do not need to appear for a hearing or status conference. The Court denies as premature plaintiff's motion for pretrial scheduling order and motion to add defendants.

1 **1. Motions for Telephonic Hearing (Dkt. 116, Dkt. 126)**

2 In his second and third motions for telephonic hearing, plaintiff moves for the Court to
 3 enter an order to allow him to appear by telephone on December 16, 2016, Dkt. 116, and January
 4 31, 2017, Dkt. 126. In both motions, plaintiff states that he requests a telephone appearance
 5 because he is in a “peril predicament” and is being subjected to medical indifference. Dkts. 116,
 6 126. The Court notes that plaintiff’s third motion for telephonic hearing (Dkt. 126) is not ready
 7 for the Court’s consideration until February 3, 2017. However, based on the record, the Court
 8 has determined that it is not necessary to wait for the noting date to review this motion.

9 As the Court previously advised plaintiff, *see* Dkt. 113 (Order Denying Motion for
 10 Telephonic Hearing), oral argument is not conducted on motions unless ordered by the Court.
 11 *See* Local Rule 7 (b)(4). The Court has not ordered oral argument on this matter and the parties
 12 do not need to appear for a hearing or status conference. Nor does plaintiff demonstrate that a
 13 hearing or conference is necessary. Thus, plaintiff’s motions (Dkts. 116, 126) are denied.

14 **2. Motion for Pretrial Conference (Dkt. 118)**

15 Plaintiff also requests a pretrial conference, scheduling and planning for trial, with
 16 possible settlement negotiations. Dkt. 118. To the extent that plaintiff renews his request for a
 17 telephonic conference, plaintiff’s request is denied as discussed above.

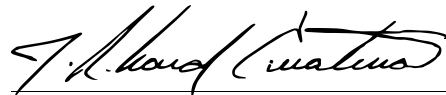
18 To the extent that plaintiff requests the entry of a pretrial scheduling order, the Court
 19 denies plaintiff’s motion as premature. The undersigned recommended that defendants’ motion
 20 to dismiss be denied based on plaintiff’s failure to follow court orders. Dkt. 124. However,
 21 District Judge Settle has not yet entered an order on the report and recommendation and
 22 defendants have not filed an answer. *See* Dkt. As defendants point out, if the case proceeds after
 23 District Judge Settle enters an order, and defendants file an answer, the Court will issue a
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1 scheduling order including discovery and dispositive motion deadlines. *See* Dkt. 120. Thus,
2 based on the record, resolving any pretrial scheduling issues at this point is premature.
3 Accordingly, plaintiff's motion (Dkt. 118) is denied without prejudice.

4 **3. Motion for Leave to Add Defendant (Dkt. 122)**

5 Plaintiff seeks to add defendants Christine Brule and Diane Sanchez as defendants under
6 Federal Rule of Civil Procedure 19 and 21. Dkt. 122. As discussed above, it is premature to
7 determine whether plaintiff should be allowed to add new defendants to this case until District
8 Judge Settle has entered an order on the undersigned's report and recommendation that
9 defendants' motion to dismiss be denied. Dkt. 124. If the case proceeds after District Judge
10 Settle enters an order, plaintiff may re-file his motion to add defendants at that time.
11 Accordingly, plaintiff's motion to add defendants (Dkt. 122) is denied without prejudice.

12 Dated this 27th day of January, 2017.

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15 J. Richard Creatura
16 United States Magistrate Judge
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